

United States District Court
for the
Western District of New York

United States of America

v.

Case No. 20-MJ-1187

DYLLAN BARBER

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

- 1) Between on or about November 30, 2019, and on or about December 1, 2019, in the Western District of New York, the defendant did employ, use, persuade, induce, entice, and coerce, and did attempt to employ, use, persuade, induce, entice, and coerce, a person less than 18 years old to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and which visual depiction was actually transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, **in violation of Title 18, United States Code, Sections 2251(a) and 2251(e); and**
- 2) Between on or about November 30, 2019, and on or about December 1, 2019, in the Western District of New York, the defendant, with the intent to injure, harass, and intimidate another person, did use facilities of interstate and foreign commerce to engage in a course of conduct that caused, attempted to cause, and would be reasonably expected to cause, substantial emotional distress to that person, **in violation of Title 18, United States Code, Section 2261A(2)(B).**

This Criminal Complaint is based on these facts:

Continued on the attached sheet.



Complainant's signature

JAMES J. DONOGHUE
SPECIAL AGENT
HOMELAND SECURITY INVESTIGATIONS

Printed name and title



Judge's signature

HONORABLE JEREMIAH J. McCARTHY
UNITED STATES MAGISTRATE JUDGE

Printed name and title

Sworn to telephonically.

Date: November 17, 2020

City and State: Buffalo, New York

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, James J. Donoghue, being duly sworn, depose and state the following:

1. I am a Special Agent (SA) of the United States Immigration and Customs Enforcement (ICE) office of Homeland Security Investigations (HSI) within the Department of Homeland Security (DHS). I have worked for HSI for 12 years. I am currently assigned to Homeland Security Investigations (HSI) in Buffalo, New York. As part of my duties as a Special Agent, I investigate crimes involving child exploitation and child pornography including violations pertaining to the transportation, production, distribution, receipt, and possession of child pornography. I have received formal and on the job training in the area of child pornography and child exploitation. I have participated in the execution of numerous search warrants involving child pornography and the seizure of computers and other storage media, and as a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States. I further state that I have training and experience as an HSI Computer Forensics Agent for more than 3 years.

2. This affidavit is submitted in support of a criminal complaint charging Dyllan BARBER with violations of Title 18, United States Code, Sections 2251(a) and (e) (Production and Attempted Production of Child Pornography) and 2261A(2)(B) (Cyberstalking).

3. The information contained in this affidavit is based upon my personal knowledge and observation, my training and experience, conversations with other law enforcement officers, and my review of documents and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause to secure a criminal complaint, I have not included every fact known to me as a result of this investigation. Rather, I have set forth facts that I believe are necessary to demonstrate probable cause to believe that BARBER did knowingly violate Title 18, United States Code, Sections 2251(a) and (e) and 2261A(2)(B).

Background of Investigation

4. On March 11, 2020, Detective Matthew Finnerty of the Cattaraugus County Sheriff's Office conducted an extraction of the cell phone belonging to Minor Victim 1 (V1) with the consent of V1 and her father. V1 was born in 2003.

5. On April 8, 2020, Detective Heather Price of the Cattaraugus County Sheriff's Office requested assistance from your affiant in reviewing the cell phone extraction data of V1's cell phone.

6. While reviewing the extraction report, several images were noted which appeared to be screen captures from a Snapchat text conversation between V1 and Snapchat user "Barber (D)." Snapchat is an online social media application that allows its users to exchange photographs and communications. During this Snapchat conversation, it appears

that the user of the “Barber (D)” account is threatening V1 to send nude pictures of herself, otherwise he will publicly post other nude pictures he has of her. During the conversation, it appears that V1 did comply and send the nude pictures.

Interviews

7. On April 16, 2020, your affiant and Detective Price interviewed Dyllan BARBER at his home in Little Valley, New York. BARBER signed a consent to search his cell phone and agreed to allow your affiant to extract data from his cellphone using forensic software. BARBER was read his Miranda rights at 1605 hrs and waived them to speak to your affiant and Detective Price.

8. BARBER stated that the cellphone he was currently using was a new phone because his old phone was broken and “somewhere in his bedroom.” BARBER had been using the “new” phone since approximately December 2019. BARBER stated that he knew V1 from school, and that she had dated his younger brother at one time. BARBER stated that his Snapchat and Instagram account usernames are “that_packersfan.” He stated that his Facebook account username is “Dyllan Barber.” When BARBER was asked if he had ever received a nude picture from V1, BARBER stated that he did get one nude picture from V1, approximately two years earlier, via Snapchat. Your affiant asked BARBER if he knew about the text message conversation that was discovered on V1’s phone in which V1 was threatened to send nude pictures of herself via Snapchat. BARBER stated that he was aware of the conversation, and that his Snapchat account, that_packersfan, had been “hacked,” and

that it was not him who had threatened V1 to send nude pictures. BARBER stated that his password was easy to guess, and that is how he thinks the “hacker” was able to gain access to the account. He stated that he knew his account had been hacked because he had woken up one morning and tried to use Snapchat, and saw that his account was logged off on his phone (this is in reference to his older, broken phone, not the new one that he granted consent to search for). BARBER stated that at that time, he had sent an email to Snapchat informing Snapchat that his account had been hacked. He also stated that based on the time shown in the screen captures of the threatening conversation with V1, he would have been in bed already, so it could not have been him who threatened V1. BARBER was asked if he could provide the email he sent to Snapchat. BARBER briefly looked at his phone, but then continued on with the conversation, and did not provide the email.

9. On May 20, 2020, V1 was interviewed by HSI Forensic Interviewer Rene Young. During the interview, V1 was shown printed copies of screen captures that were found on her phone that appeared to be a Snapchat conversation. V1 stated that the screen captures were of a Snapchat conversation she had with the Snapchat account belonging to BARBER. V1 stated, “I think that Dyllan was pretending to be someone he was not. He said he would post a nude picture of me on his Snapchat if I didn’t send him another picture of me. I was scared. I told dad. He said if it ever happens again, come to me.” During this same interview, V1 identified her own Snapchat account as “luvagoat8.”

10. On July 1, 2020, your affiant and Detective Price interviewed V1 at her residence in Cattaraugus County, New York, where she was a resident during the time of the

conduct described in this affidavit. Your affiant asked V1 if she knew someone named Dyllan BARBER. V1 stated that BARBER was her ex-boyfriend's brother. V1 stated that BARBER's Snapchat username is that_packersfan. (Note: "Barber (D)" is the name V1 assigned to the that_packersfan account within her own Snapchat account. Snapchat allows a user to give a nickname to the accounts they receive messages from in order to easily identify who the person is. This does not change the actual account name registered with Snapchat). V1 was asked if she had ever sent nude pictures to BARBER. V1 stated yes, that it had happened within a Snapchat conversation during which she was threatened to send nude pictures. When asked how many pictures she had sent, she stated "a lot." When asked how V1 thought the user had been in possession of other nude pictures of her, which he was using to threaten her, she said that she didn't know how he would have gotten other nude pictures, she just believed him when he told her that he had them and that he would send them. V1 stated that during this Snapchat conversation, she was on a phone call with BARBER. She stated that BARBER told her his account was hacked, and to "just take them," meaning the sending of nude pictures of herself. She stated that BARBER told her he was concerned that nude pictures of himself would also be posted by the "hacker." V1 also stated that BARBER did not want her to talk to her father about what had happened because he did not want to get into trouble. V1's father works in law enforcement.

Phone records from V1's cell phone

11. Phone records obtained from the forensic extraction of V1's cell phone indicate that there are three phone calls on November 30, 2019, and one on December 1, 2019,

between V1's cell phone and the phone number 716-801-3290, which is saved as a contact in V1's phone as "Dyllan Barber." The phone records indicate the following calls:

11/30/2019	22:17hrs	outgoing	17min22sec
11/30/2019	22:43hrs	outgoing	2sec
11/30/2019	23:37hrs	outgoing	1hr16min
12/01/2019	00:55hrs	outgoing	15min

During the April 16, 2020 interview with your affiant and Detective Price, BARBER did not mention that he was on the phone with V1 during the threatening Snapchat conversation.

Records from BARBER's cell phone

12. Artifacts obtained from the forensic extraction of BARBER's cell phone indicate that his phone number, at the time of the extraction on April 16, 2020, was 716-801-3290.

Snapchat Search Warrant

13. Your affiant obtained a federal search warrant for information from Snapchat related to the that_packersfan account between April 2018 and December 2019. According to Snapchat records, the that_packersfan account was created on December 16, 2016. The email address associated with the account is bigdbarber78@gmail.com. The phone number associated with this account is 716-801-3290. Google has provided your affiant with information related to the email address bigdbarber78@gmail.com. The information

indicates that the recovery phone number for this email is 716-801-3290, and the subscriber name for the account is “Dyllan barber”. The account was created on August 31, 2016 and was last logged into on October 12, 2020.

14. Records related to text message conversations using the Snapchat application were also received in response to the Snapchat search warrant. It is believed that the threatening Snapchat conversation with V1 took place on or about November 30, 2019. BARBER was eighteen-years old as of this date. A review of text conversation messages reveal that beginning on or about November 30, 2019 at approximately 10:38pm, and ending on or about December 1, 2019 at approximately 01:40am, a text conversation occurred between Snapchat users that_packersfan and luvagoat8 (known through the investigation to be V1). The threatening conversation is in Table 1, below, in bold text. (Original times are in UTC. The times in the chart below have been converted to Eastern Standard time by subtracting 5 hours):

Table 1

that_packersfan	XXXX987	He what	Nov 30, 2019 at 10:12:04 EST
that_packersfan	XXXX987	!!!!!ðŸ˜;ðŸ˜;ðŸ˜;ðŸ˜;	Nov 30, 2019 at 10:12:17 EST
that_packersfan	XXXX987	That's a hard fucking no	Nov 30, 2019 at 10:13:12 EST
that_packersfan	XXXX987	Number 2	Nov 30, 2019 at 10:13:34 EST
that_packersfan	XXXX987	Why dose everyone wanna date you noe	Nov 30, 2019 at 10:13:40 EST
that_packersfan	XXXX987	Are you single?	Nov 30, 2019 at 10:14:18 EST

that_packersfan	XXXX987	And why shorts?	Nov 30, 2019 at 10:14:27 EST
that_packersfan	XXXX987	Leggings	Nov 30, 2019 at 10:14:45 EST
that_packersfan	XXXX987	XXXX987 I want you like really bad	Nov 30, 2019 at 10:14:53 EST
that_packersfan	luvagoat8	So u ready for me to tell Gavin	Nov 30, 2019 at 10:38:05 EST
that_packersfan	luvagoat8	No I'll tell u later	Nov 30, 2019 at 10:41:34 EST
that_packersfan	luvagoat8	No u gotta do something for me or I'll tell everyone	Nov 30, 2019 at 10:42:43 EST
that_packersfan	luvagoat8	Ok well I will not only send them to the school I'll send them everywhere.	Nov 30, 2019 at 11:26:30 EST
that_packersfan	luvagoat8	Yes they are bc it's a screen shot	Nov 30, 2019 at 11:27:31 EST
that_packersfan	luvagoat8	Why would I send to you when I can send them to other people	Nov 30, 2019 at 11:29:19 EST
that_packersfan	luvagoat8	And I have Dylan's dick pics so the fate of him rests in your hands 2	Nov 30, 2019 at 11:31:05 EST
that_packersfan	luvagoat8	It's his snap stupid there all in his my eyes only	Nov 30, 2019 at 11:34:56 EST
that_packersfan	luvagoat8	U have till midnight to show me your tits pussy and ass or I'm posting on everything about you too	Nov 30, 2019 at 11:36:54 EST
that_packersfan	luvagoat8	Nah fuck that fat bastard he's a piece of shit i don't give a fuck about him	Nov 30, 2019 at 11:46:06 EST
that_packersfan	luvagoat8	Running out of time	Nov 30, 2019 at 11:51:13 EST
that_packersfan	luvagoat8	Make it 2 pics of ur tits one of ur pussy and ur ass and I won't screenshot	Nov 30, 2019 at 11:55:07 EST

that_packersfan	luvagoat8	They better be good pics too	Nov 30, 2019 at 11:55:57 EST
that_packersfan	luvagoat8	Times is running	Nov 30, 2019 at 11:56:35 EST
that_packersfan	luvagoat8	2 mins	Nov 30, 2019 at 11:59:06 EST
that_packersfan	luvagoat8	1 min	Nov 30, 2019 at 11:59:10 EST
that_packersfan	luvagoat8	U have till 5 after no later	Dec 01, 2019 at 00:00:17 EST
that_packersfan	luvagoat8	An ex	Dec 01, 2019 at 00:07:03 EST
that_packersfan	luvagoat8	Nope	Dec 01, 2019 at 00:07:47 EST
that_packersfan	luvagoat8	Send a vid of ur tits	Dec 01, 2019 at 00:08:00 EST
that_packersfan	luvagoat8	And fingering your self	Dec 01, 2019 at 00:08:49 EST
that_packersfan	luvagoat8	Idc	Dec 01, 2019 at 00:09:19 EST
that_packersfan	luvagoat8	Do it [V1]	Dec 01, 2019 at 00:10:02 EST
that_packersfan	luvagoat8	Send first	Dec 01, 2019 at 00:10:53 EST
that_packersfan	luvagoat8	Yes	Dec 01, 2019 at 00:12:03 EST
that_packersfan	luvagoat8	I don't feel satisfied	Dec 01, 2019 at 00:20:02 EST
that_packersfan	luvagoat8	Send more	Dec 01, 2019 at 00:20:41 EST
that_packersfan	luvagoat8	Yes more	Dec 01, 2019 at 00:21:09 EST
that_packersfan	luvagoat8	Vids and pics	Dec 01, 2019 at 00:21:32 EST
that_packersfan	luvagoat8	Ig I'll post	Dec 01, 2019 at 00:22:06 EST
that_packersfan	luvagoat8	Send more and I'll tell you	Dec 01, 2019 at 00:22:20 EST
that_packersfan	luvagoat8	I want more of everything make it sexy and I will tell you they better be good	Dec 01, 2019 at 00:23:47 EST
that_packersfan	luvagoat8	I swear they better be good and don't stop till I say	Dec 01, 2019 at 00:24:22 EST

luvagoat8	that_packersfan	Fine	Dec 01, 2019 at 00:24:35 EST
that_packersfan	luvagoat8	Better be able to see your face and use 2 fingers to masturbate	Dec 01, 2019 at 00:25:55 EST
luvagoat8	that_packersfan	Is that it?	Dec 01, 2019 at 00:26:48 EST
that_packersfan	luvagoat8	Let's go keep them coming	Dec 01, 2019 at 00:27:16 EST
luvagoat8	that_packersfan	Fine	Dec 01, 2019 at 00:27:39 EST
that_packersfan	luvagoat8	Where's the titties and ur face	Dec 01, 2019 at 00:34:47 EST
that_packersfan	luvagoat8	I didn't say stop	Dec 01, 2019 at 00:37:49 EST
that_packersfan	luvagoat8	Do u got something or than your fingers to use	Dec 01, 2019 at 00:38:41 EST
luvagoat8	that_packersfan	Fingers?	Dec 01, 2019 at 00:39:06 EST
that_packersfan	luvagoat8	Like a hair brush or something	Dec 01, 2019 at 00:39:30 EST
luvagoat8	that_packersfan	I have my up the way i want it	Dec 01, 2019 at 00:40:02 EST
luvagoat8	that_packersfan	Hair*	Dec 01, 2019 at 00:40:33 EST
that_packersfan	luvagoat8	No to masturbate with	Dec 01, 2019 at 00:41:09 EST
luvagoat8	that_packersfan	My fingers	Dec 01, 2019 at 00:41:41 EST
that_packersfan	luvagoat8	Use as many as u can idc if it hurts	Dec 01, 2019 at 00:42:07 EST
luvagoat8	that_packersfan	Wow	Dec 01, 2019 at 00:42:22 EST
that_packersfan	luvagoat8	Sorry	Dec 01, 2019 at 00:43:08 EST
luvagoat8	that_packersfan	I am done after and you tell me who you are	Dec 01, 2019 at 00:43:42 EST
that_packersfan	luvagoat8	Send a vid of ur tits bouncing too then ur dine	Dec 01, 2019 at 00:44:18 EST
luvagoat8	that_packersfan	Fine	Dec 01, 2019 at 00:44:36 EST

luvagoat8	that_packersfan	Who is this	Dec 01, 2019 at 01:02:46 EST
luvagoat8	that_packersfan	Is this kyle	Dec 01, 2019 at 01:05:00 EST
that_packersfan	luvagoat8	My name is Kyle	Dec 01, 2019 at 01:05:32 EST
luvagoat8	that_packersfan	Kyle from gowanda	Dec 01, 2019 at 01:05:50 EST
that_packersfan	luvagoat8	Pinevalley	Dec 01, 2019 at 01:06:14 EST
that_packersfan	luvagoat8	I just thought u were cute and wanted to see what u were made of so I hacked that retard's account to get you	Dec 01, 2019 at 01:07:04 EST
luvagoat8	that_packersfan	That is a dumass move	Dec 01, 2019 at 01:07:51 EST
luvagoat8	that_packersfan	Lets hope gavin doesn't get mad at me for it	Dec 01, 2019 at 01:40:56 EST
that_packersfan	luvagoat8	Would i have sent them?	Dec 01, 2019 at 09:12:38 EST
luvagoat8	that_packersfan	Ya	Dec 01, 2019 at 09:12:47 EST
that_packersfan	kdechow3	Is everything ok	Dec 01, 2019 at 09:13:23 EST
that_packersfan	luvagoat8	I would of	Dec 01, 2019 at 09:14:51 EST
luvagoat8	that_packersfan	Ya	Dec 01, 2019 at 09:15:05 EST
that_packersfan	luvagoat8	And I didn't get anything ðŸ˜,ðŸ˜, jk lol	Dec 01, 2019 at 09:17:23 EST
that_packersfan	luvagoat8	I did last night	Dec 01, 2019 at 09:23:48 EST
luvagoat8	that_packersfan	Okay thank you so muchhhhhh	Dec 01, 2019 at 09:24:12 EST
that_packersfan	luvagoat8	No thank you	Dec 01, 2019 at 09:24:31 EST
luvagoat8	that_packersfan	Your welcome	Dec 01, 2019 at 09:25:00 EST
that_packersfan	luvagoat8	So did u tell Gavin yet	Dec 01, 2019 at 09:25:31 EST
luvagoat8	that_packersfan	Ya	Dec 01, 2019 at 09:27:40 EST

that_packersfan	luvagoat8	What he say	Dec 01, 2019 at 09:28:34 EST
luvagoat8	that_packersfan	He would of done the same thing	Dec 01, 2019 at 09:29:11 EST
that_packersfan	luvagoat8	Ok good	Dec 01, 2019 at 09:29:44 EST
that_packersfan	XXXX987	U need to fucking stop rn	Dec 01, 2019 at 09:38:15 EST
that_packersfan	XXXX987	Nothing I do is good enough for you no matter what it is it's not good enough for you	Dec 01, 2019 at 09:38:39 EST
that_packersfan	XXXX987	Exactly u have nothing to fucking say	Dec 01, 2019 at 09:39:25 EST
that_packersfan	luvagoat8	She's pissing me off	Dec 01, 2019 at 09:40:44 EST
luvagoat8	that_packersfan	XXXX987 why	Dec 01, 2019 at 09:41:12 EST
that_packersfan	luvagoat8	Bc she got mad that I didn't block u and she said go to your whore	Dec 01, 2019 at 09:42:00 EST
that_packersfan	XXXX987		Dec 01, 2019 at 09:42:34 EST
luvagoat8	that_packersfan	Wow wtf	Dec 01, 2019 at 09:43:03 EST
luvagoat8	that_packersfan	See people are calling me hoe and whore and all those names she obviously doesn't care about me anymore	Dec 01, 2019 at 09:43:52 EST
that_packersfan	XXXX987	Well all I said was that you need to fucking stop ur making it worse by saying that I'm in love with you no one else	Dec 01, 2019 at 09:44:24 EST
that_packersfan	luvagoat8	Ifk	Dec 01, 2019 at 09:45:09 EST
that_packersfan	XXXX987	No I fucking don't XXXX987 say it again and I'll do something	Dec 01, 2019 at 09:45:28 EST
luvagoat8	that_packersfan	She needs to stop	Dec 01, 2019 at 09:45:56 EST
that_packersfan	XXXX987	Ã—·â€¢â™,i,Ã—·Ã—·â€¢â™,i,Ã—·	Dec 01, 2019 at 09:46:46 EST

that_packersfan	luvagoat8	No shit it's not like ur sending me pics or trying to fuck me	Dec 01, 2019 at 09:47:35 EST
that_packersfan	XXXX987	Deffintaly not the second one	Dec 01, 2019 at 09:47:47 EST
luvagoat8	that_packersfan	Oh	Dec 01, 2019 at 09:48:12 EST
that_packersfan	XXXX987	I didn't say that.	Dec 01, 2019 at 09:48:24 EST
that_packersfan	XXXX987	ðŸœ·â€¢ â™,ï,ðŸœ·â€¢ â™,ï,	Dec 01, 2019 at 09:49:11 EST
that_packersfan	luvagoat8	Would u tho	Dec 01, 2019 at 09:52:41 EST
luvagoat8	that_packersfan	No	Dec 01, 2019 at 09:53:14 EST
that_packersfan	luvagoat8	Exactly	Dec 01, 2019 at 09:53:31 EST
luvagoat8	that_packersfan	Okay so	Dec 01, 2019 at 09:53:51 EST
that_packersfan	luvagoat8	She just needs to stop	Dec 01, 2019 at 09:55:14 EST
luvagoat8	that_packersfan	Ik	Dec 01, 2019 at 10:58:08 EST
that_packersfan	sshynx	Dyllan barber	Dec 01, 2019 at 12:03:58 EST
luvagoat8	that_packersfan	Hey do you know anything about that kid last night like Last name? Snap? Insta? Anything really	Dec 01, 2019 at 14:33:00 EST
that_packersfan	luvagoat8	No I don't	Dec 01, 2019 at 14:35:44 EST
luvagoat8	that_packersfan	Ok	Dec 01, 2019 at 14:40:47 EST

15. Of note, approximately 14 minutes prior to the threatening conversation, the that_packersfan user had been having a conversation with Snapchat user XXXX987. XXXX987 is known by investigators to be a close associate of BARBER. The excerpt in Table 2 below is taken from the threatening conversation thread in Table 1 and shows the proximity of these two conversations. (NOTE: the username for the close associate has been

changed from the original displayed name to XXXX987 in order to protect this person's anonymity, as this person is a minor.):

Table 2

that_packersfan	XXXX987	He what	Nov 30, 2019 at 10:12:04 EST
that_packersfan	XXXX987	!!!!ðŸ˜;ðŸ˜;ðŸ˜;ðŸ˜;	Nov 30, 2019 at 10:12:17 EST
that_packersfan	XXXX987	That's a hard fucking no	Nov 30, 2019 at 10:13:12 EST
that_packersfan	XXXX987	Number 2	Nov 30, 2019 at 10:13:34 EST
that_packersfan	XXXX987	Why dose everyone wanna date you noe	Nov 30, 2019 at 10:13:40 EST
that_packersfan	XXXX987	Are you single?	Nov 30, 2019 at 10:14:18 EST
that_packersfan	XXXX987	And why shorts?	Nov 30, 2019 at 10:14:27 EST
that_packersfan	XXXX987	Leggings	Nov 30, 2019 at 10:14:45 EST
that_packersfan	XXXX987	XXXX987 I want you like really bad	Nov 30, 2019 at 10:14:53 EST
that_packersfan	luvagoat8	So u ready for me to tell Gavin	Nov 30, 2019 at 10:38:05 EST

16. Also of note is the conversation which follows the threatening text messages. On December 1, 2019 at 09:12:38 am, that_packersfan appears to be responding to a question from luvagoat8. The following excerpt in Table 3 highlights this conversation:

Table 3

luvagoat8	that_packersfan	Lets hope gavin doesn't get mad at me for it	Dec 01, 2019 at 01:40:56 EST
that_packersfan	luvagoat8	Would i have sent them?	Dec 01, 2019 at 09:12:38 EST
luvagoat8	that_packersfan	Ya	Dec 01, 2019 at 09:12:47 EST
that_packersfan	kdechow3	Is everything ok	Dec 01, 2019 at 09:13:23 EST
that_packersfan	luvagoat8	I would of	Dec 01, 2019 at 09:14:51 EST
luvagoat8	that_packersfan	Ya	Dec 01, 2019 at 09:15:05 EST
that_packersfan	luvagoat8	And I didn't get anything δŸ~,δŸ~, jk lol	Dec 01, 2019 at 09:17:23 EST
that_packersfan	luvagoat8	I did last night	Dec 01, 2019 at 09:23:48 EST
luvagoat8	that_packersfan	Okay thank you so muchhhhhh	Dec 01, 2019 at 09:24:12 EST
that_packersfan	luvagoat8	No thank you	Dec 01, 2019 at 09:24:31 EST
luvagoat8	that_packersfan	Your welcome	Dec 01, 2019 at 09:25:00 EST
that_packersfan	luvagoat8	So did u tell Gavin yet	Dec 01, 2019 at 09:25:31 EST
luvagoat8	that_packersfan	Ya	Dec 01, 2019 at 09:27:40 EST
that_packersfan	luvagoat8	What he say	Dec 01, 2019 at 09:28:34 EST
luvagoat8	that_packersfan	He would of done the same thing	Dec 01, 2019 at 09:29:11 EST
that_packersfan	luvagoat8	Ok good	Dec 01, 2019 at 09:29:44 EST

17. As can be seen, this new conversation occurs approximately seven hours after the initial threatening conversation ends and appears to be a continuation of BARBER's ruse

that he was not the person threatening V1 in the previous threatening conversation. The continuation of the ruse can be seen again an additional five hours later, on December 1, 2019 at 2:33:00 pm EST, seen in Table 4:

Table 4

that_packersfan	Hey do you know anything about that kid last night like Last name? Snap? Insta? Anything really	Dec 01, 2019 at 14:33:00 EST
luvagoat8	No I don't	Dec 01, 2019 at 14:35:44 EST
that_packersfan	Ok	Dec 01, 2019 at 14:40:47 EST

Snapchat Login/Logout Events

18. A review of the Snapchat search warrant return information regarding account login and logout events indicates that there were no login or logout events recorded by Snapchat for the that_packersfan account in proximity to the day of the threatening conversation. The closest login event that is prior to the threatening conversation is on November 7, 2019 at 11:15:05 am EST. The closest login event after the threatening conversation is on December 31, 2019 at 8:09:12 pm EST.

19. A function of Snapchat is that a user can only be logged into their account on one device at a time. If a user logs into their account on a new device, the user is logged out of their account on the previous device. These login and logout events are recorded by

Snapchat. As there are no login events recorded just prior to, or just following, the threatening conversation, it is unlikely that another person logged into BARBER's that_packersfan account using a different device in order to engage in the threatening conversation with luvagoat8, as BARBER stated in his April 16, 2020 interview with your affiant and Detective Price.

Conclusion

20. Based on the aforementioned information, I respectfully submit that there is probable cause to believe that Dyllan BARBER has violated Title 18, United States Code, Sections 2251(a) and (e) (Production and Attempted Production of Child Pornography) and 2261A(2)(B) (Cyberstalking).



James J. Donoghue
Special Agent
Immigration and Customs Enforcement
Homeland Security Investigations

Sworn to telephonically
this 17th day of November, 2020



HONORABLE JEREMIAH J. McCARTHY
UNITED STATES MAGISTRATE JUDGE